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IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ALASKA

)	
THE UNITED STATES for the use of)	
GMW Fire Protection, Inc.,)	
an Alaska Corporation,)	
)	
Plaintiff,)	
v.)	
)	
KANAG'IQ CONSTRUCTION CO., INC.,)	
an Alaska Corporation and)	
WESTERN SURETY COMPANY, a)	
South Dakota Corporation,)	
)	
Defendant.)	
<hr/>) Case No. A-05-0170 CV (TMB)

OPPOSITION TO 9-5-08 MOTION TO STAY EXECUTION

GMW objects to Defendant's Motion to Stay Execution for the reasons set out in its filings at Docket Nos. 200 (Opposition to Motion for Stay and To Allow Payment Bond in Lieu of Supersedeas Bond) and 215 (Response to Affidavit of Surety re Payment Bond). It is obvious, at this point, that a surety bond is required and that the Defendants should have separate bonds. Western Surety is not agreeing to stand for any liability of Kanag'Iq if it is not itself liable, and it will not agree to bond the attorney fee award against Kanag'Iq.

The payment bond is not a supersedeas bond, and Defendants have failed to meet their burden of proving that posting a full bond is impossible or impracticable. U.S. v. Panhandle Eastern Corp., 696 F. Supp. 983, 986 (U.S. Dist. Delaware 1988).

GMW asks the Court to deny defendant's request for a stay unless separate supersedeas bonds are posted by the Defendants.

Respectfully submitted this 8th day of September, 2008.

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CERTIFICATE OF SERVICE

I hereby certify that on the 8th day of September, 2008, a copy of the foregoing document was served electronically on Tom Gingras, attorney for Kanag'Iq Construction, Inc.

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